

## § 9.8

## 35 CFR Ch. I (7–1–97 Edition)

(1) Tell you why the request is being denied;

(2) Tell you that you have the right, by appealing the decision, to require the agency to reconsider its decision; and

(3) Tell you how to make an appeal.

(c) If you request records or information which is in the files of the Commission but which originated in another Federal agency, the Agency Records Officer may refer your request to that agency. In that case, the Agency Records Officer will inform you that your request has been referred to the originating agency.

### **§ 9.8 How to make an appeal under the Freedom of Information Act.**

(a) If you are not satisfied with the decision of the Agency Records Officer, you may require the Commission to reconsider that decision. This is called “making an appeal.”

(b) To make an appeal, you must:

(1) Write to the Panama Canal Commission, Director, Office of Executive Administration, Unit 2300, APO AA 34011-2300 (or Balboa, Republic of Panama); and

(2) State in your letter that you are making an appeal under the Freedom of Information Act, and clearly mark the envelope “Freedom of Information Act Appeal”; and

(3) Mail or deliver the letter of appeal within ten working days after you receive the letter from the Agency Records Officer.

(c) Although it is not required, it may be helpful if you clearly indicate in your appeal the reasons why you disagree with the decision on your request and your reasons for wanting the records.

[44 FR 75309, Dec. 19, 1979, as amended at 46 FR 48659, Oct. 2, 1981; 52 FR 31397, Aug. 20, 1987; 53 FR 16256, May 6, 1988; 59 FR 26122, May 19, 1994]

### **§ 9.9 How your Freedom of Information Act appeal will be handled.**

(a) The official responsible for deciding whether to grant your appeal is the Director, Office of Executive Administration of the Panama Canal Commission. That official must make that decision and send you notification of it within 20 working days after receiving

your appeal. In unusual circumstances, the Commission may extend the time for responding to your appeal. For details, see § 9.10 of this part.

(b) If the Director, Office of Executive Administration denies your appeal, in whole or in part, the letter sent to you to notify you of this decision must:

(1) Tell you why the appeal is being denied;

(2) Tell you that this denial is the Commission’s final decision; and

(3) Tell you that you have the right to request a U.S. District Court to review the denial of your appeal, as provided by 5 U.S.C. 552(a)(4)(B), as amended.

[44 FR 75309, Dec. 19, 1979, as amended at 46 FR 48659, Oct. 2, 1981]

### **§ 9.10 How the Commission may extend the time to respond to your request or appeal.**

(a) In unusual circumstances, the Commission may extend the time for making a decision about your request or about your appeal. If the Commission does extend the time, it will do so by sending you a written notice signed by the Agency Records Officer. The notice will:

(1) Tell you why it is necessary to extend the time;

(2) Tell you how long the time has been extended; and

(3) Tell you the date when you can expect the decision about your request or your appeal to be sent to you.

(b) The Commission may extend the time for making a decision about your request or your appeal by a total of ten working days. The extension period may be split between the request and the appeal, but it may not exceed ten working days overall.

(c) The unusual circumstances which may reasonably require an extension of time for the proper handling of your request or appeal are:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or

(2) The need to search for, collect, and appropriately examine a voluminous quantity of separate and distinct